

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN MANZI,

Defendant.

4:19CR3094

MOTION FOR EXTENSION

Comes now the Plaintiff, United States of America, and moves the Court for an extension of time to address the Defendant's Motion In Limine to Admit Evidence of Motive, Bias, and Credibility ([Doc. 167](#)) until such time after a trial date has been set and the United States has reviewed evidence currently being litigated relating to the Defendant's assertion of Attorney-Client Privilege. In support of said motion for extension, the United States shows the Court as follows:

1. On January 14, 2022, the Magistrate Judge held a telephonic hearing in the above-captioned matter to address current litigation regarding the Defendant's assertion of attorney-client privilege relating to emails provided to Defendant in discovery but as yet not seen by the prosecution team in this case. The privilege matter is being handled by a taint team from the United States Attorney's Office and the Federal Bureau of Investigation. A status conference on the privilege issue is currently set March 15, 2022. ([Doc. 165](#)). A trial date has not been set at this time.

2. On January 28, 2022, Defendant filed a Motion in Limine to allow the introduction of evidence at trial relating to a defense that he did not have the intent to access the Victim's computers "for the purposes of commercial advantage and private financial gain and

the value of the information obtained exceeded \$5,000” as alleged in each count of the Indictment. ([Doc. 167](#)).

3. In support of this motion, Defendant alleged that he has documentation, in addition to items received in discovery, that support the admission of this evidence. Defendant has not provided this information to the United States in reciprocal discovery.

4. Since the United States has not been provided reciprocal discovery in this matter and has not been able to access emails that are currently being litigated on the issue of attorney client privilege, the United States seeks an extension of time to respond to the Defendant’s motion until such time as the United States has access to the evidence from which it can respond to the Defendant’s motion and a trial date has been set.

5. Since the matter has not been set for trial, the United States does not believe that the extension will prejudice the Defendant in this matter.

6. The United States conferred with Defendant’s counsel regarding this motion for extension, but the Defendant’s counsel did not specifically indicate whether he opposed the motion.

Wherefore, the United States requests this Court enter an Order extending the time for the United States to respond to Defendant’s Motion in Limine to a date determined by the Court after a determination on the issue of attorney-client privilege has been ruled on by the Court and reciprocal Rule 16 discovery has been provided to the United States.

DATED this 3rd day of February, 2022.

UNITED STATES OF AMERICA, Plaintiff

JAN W. SHARP  
United States Attorney  
District of Nebraska

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2022, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the District of Nebraska by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

And I hereby certify that I have caused this Document to be electronically mailed to the following non CM/ECF participants:

s/ Steven A. Russell  
STEVEN A. RUSSELL #16925